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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,118	09/10/2004	Sander Willem Van Schaik	082671-0185	4168

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EXAMINER	
THOMPSON, TIMOTHY J	
ART UNIT	PAPER NUMBER
2873	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/507,118	VAN SCHAIK ET AL.	
	Examiner	Art Unit	
	Timothy J. Thompson	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-8, 10-15, 17, 18* is/are rejected.

7)☒ Claim(s) *5,9 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 11-14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toste et al.(U.S. Pat. No. 2002/0140850) in view of Randmae (U.S. Pat. No. 6,527,000).

Regarding claim 1, Toste et al. discloses outer dome having at least one transparent portion (29); and an inner dome disposed within the outer dome(30); and an optical lens with having a field of view wherein the optical lens is accommodated within the housing(para 0043), wherein the outer dome is transparent said housing comprising an outer dome which is in the field of view of the lens, wherein the outer dome is configured to protect the lens(fig 2), wherein the observation device is resistant to impact by an object(para 0046). Toste et al. does not specifically disclose a maximum impact energy of a first magnitude, wherein a like and the observation device but lacking not fitted with an inner dome is being resistant to impact by said object with a maximum impact energy of a second magnitude, wherein the ratio between the first magnitude and the second magnitude is at least 1.1 or the material the transparent doom is made from.

Regarding the material the doom is made from, however, Randmae discloses a transparent dome is made from plastic(col 2, lines 30-35). It would have been obvious to make the dome from plastic as shown by Randmae., with the dome guard of Toste et, since as shown by Randmae plastic transparent dome guards are commonly used for protecting a camera from the elements.

Regarding the maximum impact energy, Tooste obviously discloses the maximum impact energy of a first magnitude, wherein a like and the observation device but lacking not fitted with an inner dome is being resistant to impact by said object with a maximum impact energy of a second magnitude, wherein the ratio between the first magnitude and the second magnitude is at least 1.1, since a modified Toste et al. uses plastic for the transparent dome and aluminum for the inner dome for a strong and sturdy structure capable of with standing impact designed, which is the same material as the applicant uses, thus since the same structure and materials are used the dome guard of a modified Toste et al obviously has the same impact of energy for each dome as well as the same impact of energy ratio.

Regarding claim 2,Toste et al. discloses the ratio between said first magnitude and said second magnitude is at least 1.2 (for the reasons given is claim rejection 1 above).

Regarding claim 11, Tooste discloses the inner dome is provided with a free passage at the field of view(para 0045).

Regarding claim 12, Tooste discloses the inner dome is made from metal(para 0046).

Regarding claim 13, Tooste discloses the inner dome is made from one layer(fig 5).

Regarding claim 14, Tooste discloses the outer dome is made from one layer(fig 5).

Regarding claim 17,Toste et al. discloses the ratio between said first magnitude and said second magnitude is at least 1.4 (for the reasons given is claim rejection 1 above).

Claims 1-4, 6-8, 10-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikoma et al.(U.S. Pat. No. 6,525,766) in view of Randmae et al.(U.S. Pat. No. 6,527,000).

Regarding claim 1, Ikoma et al. discloses an outer dome having at least one transparent portion (fig 1, 5)); and an inner dome disposed within the outer dome(fig 1, 3); and an optical lens with having a field of view wherein the optical lens is accommodated within the housing(para 0043(fig 1, 4), wherein the outer dome is transparent(col 4, lines 5-10) said housing comprising an outer dome which is in the field of view of the lens(fig 1), wherein the outer dome is configured to protect the lens(fig 1), wherein the observation device is resistant to impact by an object(col 3, lines 39-60). Ikoma et al. does not specifically disclose a maximum impact energy of a first magnitude, wherein a like and the observation device but lacking not fitted with an inner dome is being resistant to impact by said object with a maximum impact energy of a

second magnitude, wherein the ratio between the first magnitude and the second magnitude is at least 1.1 or the material the transparent doom is made from.

Regarding the material the doom is made from, however, Randmae discloses a transparent dome is made from plastic(col 2, lines 30-35). It would have been obvious to make the dome from plastic as shown by Randmae., with the dome guard of Ikoma et, since as shown by Randmae plastic transparent dome guards are commonly used for protecting a camera from the elements.

Regarding the maximum impact energy, Ikoma obviously discloses the maximum impact energy of a first magnitude, wherein a like and the observation device but lacking not fitted with an inner dome is being resistant to impact by said object with a maximum impact energy of a second magnitude, wherein the ratio between the first magnitude and the second magnitude is at least 1.1, since a modified Ikoma et al. uses plastic for the transparent dome and aluminum for the inner dome for a strong and sturdy structure capable of with standing impact designed, which is the same material as the applicant uses, thus since the same structure and materials are used the dome guard of a modified Ikoma et al obviously has the same impact of energy for each dome as well as the same impact of energy ratio.

Regarding claim 2, Ikoma et al. discloses the ratio between said first magnitude and said second magnitude is at least 1.2 (for the reasons given is claim rejection 1 above).

Regarding claims 3, 4, Ikoma et al. does not disclose a thickness of outer dome is maximally about 5.0 mm or a spacing between an outer side of the inner dome and

an inner side of the outer dome is maximally about 5.0 mm. It would have been obvious to one having ordinary skill in the ar tat the time the invention was made to have a thickness of outer dome is maximally about 5.0 mm or a spacing between an outer side of the inner dome and an inner side of the outer dome is maximally about 5.0 mm, since it has been held discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 6, 7, Ikoma discloses join t manipulation of the lens and inner dome (col 1, lines 30-38)

Regarding claim 8, Ikoma discloses a driver for manipulating the lens(col 1, lines 27-33, since the camea moves from instructions from the surveillant center there is inherently a driver).

Regarding claim 10, Ikoma discloses the inner dome has a closed surface(fig 2)

Regarding claim 11, Ikoma discloses the inner dome is provided with a free passage at the field of view(para 0045).

Regarding claim 12, Ikoma discloses the inner dome is made from metal(lines 13-18).

Regarding claim 13, Ikoma discloses the inner dome is made from one layer(col 4, lines 13-19 since it is molded from a metal plate it is obviously a single layer).

Regarding claim 14, Ikoma discloses the outer dome is made from one layer(fig 5).

Regarding claim 15, Ikoma discloses the inner dome is manipulated with respect to the outer dome(col 1)

Regarding claim 17, Ikoma discloses the ratio between said first magnitude and said second magnitude is at least 1.4 (for the reasons given is claim rejection 1 above).

Claims 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ikoma et al.(U.S. Pat. No. 6,525,766) in view of Randmae et al.(U.S. Pat. No. 6,527,000) as applied to claim 13 above, and further in view of Spector(U.S. Pat. No. 5,851,442).

Regarding claim 18, a modified Ikoma et al. does not disclose the outer transparent cover is a single layer. However, Spector discloses the outer dome is made from a single layer(claim 2, since the outer dome is molded from a transparent plastic thus one layer). It would have been obvious to make the dome from single layer of plastic as shown by Spectrer, with the dome guard of a modified Ikoma et, since as shown by Specter a single layer plastic transparent dome guards is commonly used for protecting a camera from the elements.

Allowable Subject Matter

Claims 5, 9, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowable features being the inner dome has a variable thickness and the lens is elastically connected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJT